

# Notice of Allowability

Application No.

10/688,973

Examiner

Tuan N. Nguyen

Applicant(s)

PETIT, ROBERT

Art Unit

3751

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed 10/21/03.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ The drawings filed on 21 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/21/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1 (patent claim 1),

line 1: "Dispenser" has been changed to --A dispenser--.

In claim 2 (patent claim 2),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 3 (patent claim 3),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 4 (patent claim 4),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 5 (patent claim 5),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 6 (patent claim 6),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 7 (patent claim 7),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 8 (patent claim 10),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 9 (patent claim 12),

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line 1: "Dispenser" has been changed to --The dispenser--.

In claim 10 (patent claim 16),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 11 (patent claim 13),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 12 (patent claim 17),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 13 (patent claim 8),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 14 (patent claim 11),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 15 (patent claim 14),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 16 (patent claim 15),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 17 (patent claim 18),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 18 (patent claim 9),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 19 (patent claim 19),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 20 (patent claim 20),

line 1: "Dispenser" has been changed to --The dispenser--.

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In claim 21 (patent claim 28),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 22 (patent claim 29),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 23 (patent claim 30),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 24 (patent claim 31),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 25 (patent claim 21),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 26 (patent claim 22),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 27 (patent claim 23),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 28 (patent claim 24),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 29 (patent claim 25),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 30 (patent claim 32),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 31 (patent claim 26),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 32 (patent claim 27),

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line 1: "Dispenser" has been changed to --The dispenser--.

In claim 33 (patent claim 33),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 34 (patent claim 34),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 35 (patent claim 35),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 36 (patent claim 36),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 37 (patent claim 37),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 38 (patent claim 38),

line 1: "Dispenser" has been changed to --The dispenser--.

In claim 39 (patent claim 39),

line 1: "Dispenser" has been changed to --The dispenser--.

2. The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination teaches a dispenser having the specific details as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

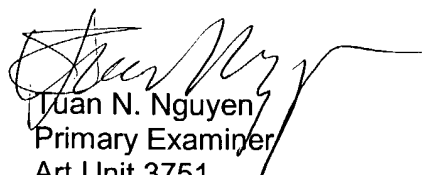
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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klawon and Seager disclose other dispenser for cosmetic but lack the specific details as claimed. The rest of the prior art references are those that were cited by the applicant and have been considered by the examiner even though form PTO-1449 was not submitted.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 703-306-9046. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan N. Nguyen  
Primary Examiner  
Art Unit 3751  
7/26/04

TN